## SHERIFF'S DEPARTMENT

DATE:

October 28, 2004

OFFICE CORRESPONDENCE

FILE:

FROM:

JOHNNY G. JURADO, COMMANDER CHAIRPERSON, EXECUTIVE FORCE REVIEW COMMITTEE TO: GERALE

GERALD PLENT, DEPUTY
SPECIAL ENFORCEMENT BUREAU

DAN NATHAN, DEPUTY

SPECIAL ENFORCEMENT BUREAU MARK DESMARTEAU, DEPUTY SPECIAL ENFORCEMENT BUREAU BRENDEN CORBETT, DEPUTY

SPECIAL ENFORCEMENT BUREAU

SUBJECT:

EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, MARCH 16, 2004, IAB REVIEW #2113634

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 16, 2004.

The Committee met on October 26, 2004, and consisted of myself, Commander Kenneth Brazile (Commander of the Department) and Commander Robert Binkley (FOR III). The Committee determined that your use of force in this incident was within Department policy. Your Unit Commander will be discussing the Committee's findings with you in the near future.

If you have any questions regarding this matter, please contact your Unit Commander.

cc: Sandra Hutchens, Chief Office of Homeland Security Thomas Spencer, Captain Special Enforcement Bureau

JGJ:KRK:kk

#### Table of Contents

## Non Hit Shooting Review

Non Hit Shooting Incident Evaluation Non Hit Shooting Review Summary Officer Involved Shooting Report Use of Force Form

#### **Exhibits:**

Exhibit A: Copy of Suspect Rodriguez' criminal history.

Exhibit B: Photographs depicting location where incident occurred.

Exhibit C: Photographs depicting injuries sustained by Suspect Rodriguez and a copy of Rodriguez' medical records.

Exhibit D: Copy of Detective Zumer's partially completed investigative package.

#### **Miscellaneous Documents**

### COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

## NON HIT SHOOTING **EVALUATION**

UNIT:

Special Enforcement Bureau

DATE:

March 16, 2004

TIME:

1400 hours

LOCATION:

Dennis Avenue # West Covina 404-04528-1499-055

URN#: IAB#:

SH 2113634

NATURE OF INCIDENT:

Detectives from the Gang Enforcement Bureau attempted to serve an arrest warrant at the residence of Suspect Roy Rodriguez. The suspect barricaded himself in his apartment and began firing a handgun. The Special Enforcement Bureau was notified and responded to the incident. Over the course of the next 12 hours, the suspect shot at and attempted to kill Special Enforcement Bureau Deputies Chase, Demello, Harris, Swanson, Plent Nathan, Corbett and Desmarteau. Deputies Nathan, Plent, Desmarteau and Corbett returned fire. The suspect jumped from a second story window and was bitten by a K-9 unit. The suspect was also tased when he fought with the K-9 dog and was subsequently was taken into

custody.

COMPLETED BY: Sergeant Henry J. Reyes Internal Affairs Bureau

DATE:

May 13, 2004

INVESTIGATIVE NARRATIVE USE OF FORCE DEPUTY INVOLVED SHOOTING, USE OF FORCE AND CANINE BITE 404-04528-1499-055 SH2113634/FO2117842

On Wednesday, March 17, 2004, at approximately 0230 hours, Sergeants Henry Reyes, Brian Morris, Larry Landreth, Larry Gregg and Lieutenant Stacy Lee of the Internal Affairs Bureau responded to Dennis Avenue, # West Covina, regarding a Non-hit Officer Involved Shooting Incident. Members of the Training Bureau and Risk Management also responded. We were briefed on the incident by Lieutenant Phil Hansen of the Special Enforcement Bureau. Lieutenant Hansen advised us that the Industry Station Safe Streets Bureau, attempted to serve an arrest warrant at the location for Suspect Roy Rodriguez, a known active gang member. Hansen said the incident turned into a barricaded suspect call and the Special Enforcement Bureau responded. The following summary is based on written and verbal statements obtained by the personnel involved and civilian witnesses.

#### INVOLVED PERSONNEL

Gerald Plent # Daniel Nathan # Brendan Corbett # Mark Desmarteau #

Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Sergeant Special Enforcement Bureau Deputy Special Enforcement Bureau Sergeant Special Enforcement Bureau

#### SUSPECT/INMATE:

Rodriguez, Roy Jr., MH/34 Booking #8052632

At the time of the shooting, Rodriguez was wanted for child endangerment and vehicle theft warrant. Rodriguez has an extensive criminal history and is an active gang member. To review a copy of Rodriguez' criminal history refer to, Exhibit A.

## WITNESSES:

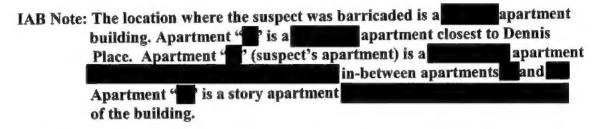
Bruce Chase # Thomas Harris # Zachary Conner #

Phil Hansen # John Bones #

Lieutenant Special Enforcement Bureau Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Deputy Special Enforcement Bureau Civilian

Civilian Civilian Civilian

Lieutenant Hansen said he was the S.W.A.T. Commander during the incident. Hansen said that on March 16, 2004, he received information from the Safe Streets Bureau members, of a warrant service in West Covina. Hansen said he responded with members of the Special Enforcement Bureau after receiving a request from Lieutenant Zagursky of the Safe Streets Bureau to respond to a barricaded suspect. Hansen said he was told that Suspect Rodriguez had been firing his gun inside the apartment. Hansen said the suspect's told them that Rodriguez was under the influence of methamphetamine, had a 9mm handgun and had made a statement to her, that he would "See her in heaven." Hansen said he ordered immediate deployment of his personnel as they arrived. Hansen said all Safe Streets and West Covina Police personnel were replaced with S.W.A.T. personnel.



Lieutenant Hansen said the area was contained and evacuations of nearby civilians were conducted. Hansen said as the evacuations were continuing he could hear the suspect firing his weapon inside apartment. Hansen said he conferred with Incident Commander Tom Angel and received permission to deploy 37 mm, "Ferret" gas canisters, into the suspect's location. Hansen said the S.W.A.T. deputies were given permission to fire gas at their discretion. Hansen explained that he hoped to contain the suspect's indiscriminate gun fire and possibly get the suspect to surrender. Hansen said while this was occurring the Crisis Negotiating Team was also attempting to get the suspect to surrender. Hansen said at one point during the incident the suspect requested 30 minutes time, before he would surrender. Hansen said the suspect's request was granted but after the 30 minutes the suspect refused to surrender and began firing rounds outside the apartment toward perimeter personnel. Hansen said that Sergeant Kubley (SWAT team leader) requested permission to use a "Gas Ax" (method for deploying hot gas) through a wall separating apartment. In from the suspect's apartment. Hansen explained that because of the suspect's actions and the potential that a stray round fired by the suspect might injure Sheriff's personnel or a civilian, a decision was made to insert additional cold and hot gas into the suspect's apartment.

Lieutenant Hansen said as this was occurring he ordered the deployment of "Flash Bangs" (diversionary device) to distract the suspect. The introduction of the "Hot Gas" seemed to have some effect on the suspect because the suspect momentarily stopped firing his gun. Hansen said he could hear a loud banging sound coming from inside of the suspect's apartment. Hansen said he was concerned the suspect might be trying to gain access into the roof or into an adjacent apartment. Hansen said he learned later that the suspect had broken a hole through a wall separating the suspect's apartment and apartment. Hansen said a short time later the suspect appeared at the northeast ground floor window of apartment (#4 side of containment). Hansen said the suspect fired numerous shots at Deputies Plent and Nathan. Plent and Nathan reported that they were taking fire and they reported they returned fire (shooting location #1).

Lieutenant Hansen said following the exchange of gunfire the suspect disappeared. Hansen said they believed the suspect might have been hit by Plent's and Nathan's rounds. A decision was made to use a robot which is equipped with a camera, to look into the northeast window of apartment Hansen said as soon as the robot looked inside the window, the suspect began firing. Hansen said the suspect's actions convinced him that he (suspect) had been "lying in wait" to shoot and kill deputy personnel. Hansen said that soon after, the suspect fired from a second story window of apartment toward containment #3 side (location of shooting #2). Hansen said the suspect fired at Deputies Desmarteau, Corbett and Patterson. Hansen said that Deputies Desmarteau and Corbett returned fire at the suspect. Hansen said the suspect disappeared and additional cold and hot gas was introduced into both apartments and Hansen explained that during his years at the Special Enforcement Bureau, he could not recall any other incident where so much "gas" (51 total canisters, 45 Ferret and 6 CS canisters of cold and hot gas) was deployed into a location, without any apparent effect. Hansen said that during the entire incident continual announcements were being made via a P.A. (Public address) system asking the suspect to surrender or to pick up the telephone and speak with C.N.T. (crisis negotiating personnel). Hansen said he requested and received permission from Incident Commander Betkey (who relieved Incident Commander Tom Angel) to deploy an explosive breach at the front door of apartment Hansen explained that he wanted to limit the suspect's ability to move freely between apartments and Hansen said after the door was breached, deputy personnel entered and cleared the ground floor of apartment

Lieutenant Hansen said deputy personnel and a K-9 unit entered and cleared the second story apartment Hansen said while clearing the north bedroom of apartment deputies discovered that the suspect had made a hole in the west wall of the bedroom allowing the suspect access between apartments and Hansen said Deputy Corbett and a K-9 unit were deployed to contain the upper floor of apartment Hansen said because he believed the suspect might have gained entry into the he ordered an that an armored vehicle be used to force open (break down) the garage door. Hansen explained that there was no other way to safely access and search the garage. Hansen said the garage was then cleared by a K-9 unit. Hansen said he requested and was granted permission from Incident Commander Betkey to use an explosive device to breach the front door of apartment Hansen said once the door to apartment was breached, another group of deputies made entry into that apartment. Hansen said while this was occurring, the suspect appeared at the hole in the wall between apartments and Hansen said the suspect was armed with a handgun. Hansen said Deputy Corbett fired one round at the suspect who disappeared back into apartment (shooting location #3). Hansen said announcements were continually being made asking the suspect to surrender. Hansen said he ordered that "Clear Out" gas be deployed when he received no response from the suspect. Hansen said shortly after the deployment of the "Clear Out" a naked suspect jumped from the rear bedroom window of apartment armed with a handgun. Hansen said the suspect's fall caused the gun to break apart on the driveway of the location. Hansen said the suspect then ran south toward the street (#1 containment side of the location). Hansen said the suspect was then taken to the ground and bitten by a K-9 dog. Hansen said the suspect then began fighting with the dog.

Lieutenant Hansen said Sergeant then "Tased" the suspect in order to get him to comply. Hansen said after the suspect was "Tased" he complied and was taken into custody. Hansen said the suspect was immediately treated by paramedics and transported to the hospital via ambulance. Hansen added that because the involved deputies were exhausted he allowed them to leave with their weapons prior to our arrival.

IAB Note: To see photographs depicting location where incident occurred, interior photos of apartments and photos of containment locations fired upon by the suspect refer to, Exhibit B.

#### INVOLVED EMPLOYEES STATEMENTS:

Deputy Gerard Plent said he is a member of the Special Enforcement Bureau's Tan Team. He said he was deployed to the northeast containment location, along with Deputy Nathan. Deputy Plent said during the course of several hours, he heard the suspect yelling and firing a small caliber gun from within his apartment. Deputy Plent said that a decision was made by the command staff to introduce chemical agents into the location in the hope the suspect would surrender. Deputy Plent said the suspect then began firing toward the street where additional deputies were deployed. Deputy Plent said he could hear the sound of the suspect breaking through a wall and into an adjoining apartment. Deputy Plent said he then focused on two windows located on the east side of the apartment (apartment adjoining the suspect's apartment. Deputy Plent said he saw muzzle flashes and heard gunshots being fired in his direction. Deputy Plent said he feared for his safety and the safety of Deputy Nathan. Deputy Plent said he returned fire from his Colt, Commando, 223 caliber, rifle. He said he fired several bursts from full automatic position at the suspect. He said he heard Deputy Nathan also return fire.

IAB Note: Deputy Plent said he conducted a tactical reload and determined that he had fired 14 rounds at the suspect. Deputy Plent explained that he normally carries his weapon with a full thirty round magazine. Plent said he counted 16 rounds remaining in the magazine after the incident. Deputy Plent's weapon, serial #A was examined and test fired by the Firearms Unit. The weapon was found in proper working order.

Deputy Daniel Nathan said he is a member of the Special Enforcement Bureau. Nathan said he received a page to respond to Dennis Avenue, apartment West Covina. Nathan said he was deployed to a location (containment #4) along with Deputy Plent. Nathan said while they were deployed at that location he could hear the suspect yelling and firing from inside his (suspect's) apartment at other deputies. Nathan said he heard the suspect breaking through walls of the apartment. Nathan said the suspect then appeared at a bottom floor east window of apartment Nathan said he saw muzzle flashes and saw the suspect firing at both he and Plent. Nathan said fearing for his safety and the safety of Plent he returned fire at the suspect. Nathan said he fired seven rounds from his Colt, M-4, carbine. Nathan explained his weapon was in the semi-automatic mode as he fired. Nathan said he saw Plent also fire his weapon at the suspect. Nathan said that during the course of the incident, he also deployed a "Flash Bang" as a diversionary device at the direction of command staff.

Deputy Nathan added that he was redeployed to breach the doors and search both apartments

IAB Note: Deputy Nathan said that prior to the incident his weapon was loaded with twenty-eight rounds. Nathan said after the incident was over, he counted 21 rounds remaining in his weapon. Nathan's weapon serial #A was examined and test fired by Firearms. The weapon was and found to be in proper working condition.

#### INVOLVED EMPLOYEES STATEMENTS:

Deputy Mark Desmarteau said he is a member of the Special Enforcement Bureau's Red Team. He said he received a page to respond to West Covina on a barricaded suspect call. Desmarteau said he responded to the Special Enforcement Bureau and drove an equipment truck (robot truck) to the location. He said he was deployed to the containment three (north side of building) along with Deputies Patterson and Corbett. Desmarteau said that the area had been evacuated and he could hear the suspect yelling profanities. He said he heard the sound of gunshots coming from the interior of the suspect's apartment (apartment). Desmarteau said he moved closer to the containment two side and heard the suspect fire a round toward deputies at that containment location. Demarteau said he then heard radio traffic advising that the suspect was shooting at deputies on the one containment side (south side).

Deputy Desmarteau said he was ordered by Sergeant Kubley to deploy gas into the location. He said he deployed four "Ferret" canisters into north window of the suspect's apartment. He said the command staff decided to deploy "Hot" gas into the apartment via a "Gas Ax" (method for deploying hot gas). He said additional gas "Ferrets" were also deployed along with "Flash Bangs" as a diversion. Desmarteau said he could hear the suspect "pounding" on an interior wall of the apartment. He thought the suspect was going to come out of the roof of the location. Desmarteau said the approximately thirty minutes passed when he heard gunshots and saw the reflection of a muzzle flash on the containment 4 side (northeast side). He said he believed the suspect was firing at the deputies on containment 4. Desmarteau said he heard several controlled bursts of gunfire which he believed was coming from the deputies on containment 4.

Deputy Desmarteau said that he believed the suspect might have been hit by the deputies (Plent and Nathan) gunfire because everything went quiet for a period of time. He said a robot was moved into position to look inside the east ground floor window of apartment. Desmarteau said as soon as the robot's arm went into the window he heard a gunshot. He said he was again ordered to deliver 3 additional gas rounds into the second floor window of apartment. Desmarteau said he heard the suspect fire a round directly over his head. Desmarteau said the round struck a tree branch directly above his head. Desmarteau said he ducked down and heard another round strike another tree branch above his head. Desmarteau said he was in fear for his safety and the safety of Deputies Patterson and Corbett. Desmarteau said he fired four rounds from his AR-15 rifle, in the direction of where he saw the suspect's muzzle flash (location of shooting incident #2). Desmarteau said he saw that Corbett also returned fire at the suspect. Desmarteau said he deployed a total of 18 "Ferret" gas canisters into the location during the incident. Desmarteau added that Corbett and Patterson were redeployed to search apartments.

IAB Note: Desmarteau said that prior to the incident his weapon had been loaded with 29 rounds. He said after the incident he counted his rounds and found that he had twenty-five rounds remaining in his weapon. Desmarteau's weapon serial #SP was examined and test fired by Firearms and found to be in proper working condition.

#### INVOLVED EMPLOYEES STATEMENT:

Deputy Brendan Corbett said he is a member of the Special Enforcement Bureau. He said he was requested to responded to a command post, in West Covina, on a barricaded suspect call. Corbett said he was deployed to the north side of the apartment (containment 3) along with Deputies Desmarteau and Patterson. He said he heard the suspect yelling and heard the suspect firing a gun at deputies on the perimeter containment. Corbett said a decision was made to introduce gas into the suspect's apartment. He said he provided cover for Desmarteau while Desmarteau fired "Ferret" gas projectiles, into the suspect's location. Corbett said he heard loud banging sounds coming from inside the suspect's apartment. He said it became obvious that the suspect was breaking through a wall separating apartment.

Deputy Corbett said the suspect successfully broke through the wall and worked his way down to the ground floor of apartment. Corbett said he heard the suspect firing at deputies on containment 4 (northeast side of apartment.). He said he heard the deputies return fire at the suspect. Corbett said that a robot was used to look inside the window (northeast window, ground floor of apartment where the suspect was last seen. He said that as soon as the robot arm went into the window, he heard a gunshot. He believed the suspect fired at the robot. Corbett said Desmarteau was instructed to insert additional gas into apartment. Corbett said that soon after the gas was introduced, the suspect fired at them. Corbett said he saw the glass breaking out of the bedroom from where the suspect was firing. Corbett said he returned fire (2 rounds) in the direction of where he saw the glass breaking. He said he saw Desmarteau simultaneously fire four rounds toward the suspect (location of shooting incident #2). Corbett said additional cold and hot gas was inserted into the suspect's apartment (apartment.)

Deputy Robert and a K-9 unit. Corbett said he saw the a hole in the west wall of the bedroom, which allowed the suspect to move freely between apartments and Corbett said while he was containing the bedroom he saw the suspect coming through the hole in the wall holding a small chrome gun in his hand. Corbett said he believed the suspect was going to shoot him. Corbett said he fired one round from his weapon toward the suspect (shooting location #3). Corbett said the suspect immediately retreated back into the bedroom and out of sight. Corbett said he did not fire any additional rounds at the suspect because he wanted to avoid accidentally shooting any of the deputies, that had made entry into apartment Corbett said that "Clear Out" gas was inserted into the suspect's room. Corbett said he heard the suspect coughing and he asked the suspect to surrender. Corbett added that he later learned the suspect jumped from the bedroom window and was taken into custody.

IAB Note: Deputy Corbett said he fired a Colt, M-4, 223 caliber rifle. Corbett said that he normally carries his weapon loaded with 26 or 28 rounds. Corbett said he was not certain how many rounds were in his weapon prior to the shooting. not count the remaining rounds after the incident. I (Sergeant Reyes) inspected Corbett's weapon serial #A and found twenty-rounds remaining in the weapon. Corbett's weapon was examined and test fired by Firearms and found to be in proper working condition.

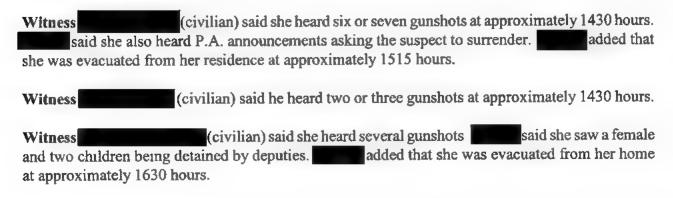
INVOLVED EMPLOYEES STATEMENT:
Sergeant said he is a member of the Special Enforcement Bureau.
was deployed to Dennis Avenue # West Covina on a barricaded suspect call out.
said over the course of several hours numerous attempts were made to get the suspect to surrender.
He said that both cold and hot gas was deployed into the suspect's location after the suspect began
firing at containment deputies. Said that after all attempts to get the suspect to surrender
were exhausted, entry was made into the suspect's apartment. said the suspect jumped from
a second story window and landed on a driveway.
personnel ordering the suspect to stop and lay on the ground. said he saw the naked suspect
running south in his direction. Said he ordered the suspect lay down and surrender. He said
the suspect ignored his order and continued running. said that he then conducted a leg
sweep of the suspect in an effort to takedown the suspect and prevent him from escaping.
said the suspect fell to the ground but immediately got back on his feet and continued running.
said a K-9 dog then bit the suspect on his right arm. said he saw the suspect hit
and kick the dog said he saw Sergeant deploy the "Taser" on the suspect. The
suspect continued fighting with the dog and he kicked the suspect twice in the right leg
to gain compliance. said the suspect stopped resisting and was handcuffed without further
incident. said that at no time did he strike the suspect with the butt of his rifle on the chin.
added that he did he see anyone strike the suspect with the butt of a rifle.
Deputy said he is a K-9 handler assigned to the Special Enforcement Bureau. He
said he was deployed with his dog "Doerak" to the barricaded suspect call on containment 1 (south
side of apartment building). said over the several hours he heard the suspect firing a handgun
at containment deputies. said he watched as gas was inserted into the suspect's apartment.
said he heard numerous requests from deputy personnel asking the suspect to surrender.
said the suspect ignored the deputies' requests.
suspect was jumping from a second story window of the apartment. He said moments later he saw
the nude suspect running south down the driveway, in his direction.
suspect to lav on ground and surrender. He saw a member of the Special Enforcement Bureau
(Sergeant conduct a leg sweep of the suspect. said he saw the suspect momentarily
stumble but then the suspect continued to run is his direction. said he shouted that he would
deploy his dog if the suspect did not stop and surrender, the suspect ignored his orders.

INVOLVED EMPLOYEES STATEMENT:
Deputy said he deployed his police service dog to prevent the suspect from escaping the
containment and possibly harming someone else. said his dog bit the suspect on his
(suspect's) right shoulder. said the suspect then began to punch the dog in the head.
said the suspect's punches caused the dog to transition his bite to the suspect's right hand and wrist.
said the suspect continued fighting the dog and shouted "I'm going to kill you and this
fucking dog." said the suspect's actions caused his dog to transition his bite to the suspect's
left hand and forearm. said that during this time, he continually ordered the suspect to stop
fighting and surrender. He said the suspect ignored his orders and continued fighting the dog.
said he saw Sergeant deploy the "Taser" on the suspect's back and buttocks. He
said the suspect fell to the ground but continued fighting with the dog. Ingreso said he then kicked
the suspect numerous times in his upper torso in an attempt to gain the suspect's compliance and to
keep the suspect from getting to his feet. said the suspect stopped fighting and he removed
his dog. He said the suspect was then handcuffed without further incident. said the suspect
was immediately treated by paramedics. said the canine bite lasted 15-20 seconds in total.
added that at no time did he strike the suspect with the butt of his rifle nor did he see anyone
else strike the suspect with the butt of a rifle.
Sergeant said he is assigned to the Special Enforcement Bureau's K-9 unit. He said
he was deployed to the barricaded suspect call at Dennis Place, West Covina.
he was deployed to containment two (northwest side). Said over the course of several hours,
he heard the suspect fire numerous gunshots from his apartment at containment deputies
said he heard numerous P.A. announcements asking the suspect to surrender.
negotiators from the Crisis Negotiating Team were in contact with the suspect attempting to get the
suspect to surrender said all attempts to get the suspect to surrender failed.
a decision was made to insert gas into the suspect's location.
Sergeant said they had information from the suspect's that the suspect wanted to
"shoot it out" with the police. said he heard numerous gunshots being exchanged between
the suspect and the containment deputies on the number three and four containment locations.
said more gas was inserted into the suspect's location. said at one point a robot
was used to locate the suspect. said the robot was fired upon by the suspect and it appeared
the suspect had been lying in wait for deputy personnel said he saw the nude suspect
running north on the driveway toward the street said he saw Sergeant take the
suspect down to the ground with a leg sweep. said the suspect went down but immediately
got back on his feet. said he saw Deputy deploy his dog. said he saw the
dog bite the suspect, and saw the suspect fighting the dog.
Sergeant said he saw the suspect punch the dog numerous times.
believed the suspect would escape from the dog bite so he deployed his "M-26 Taser."
the "Taser" was initially successful in getting the suspect to momentarily stop fighting. He said as
soon as the "Taser" cycled through it's charge, the suspect got back on his feet and re-engaged the
dog. Hellmold said he saw Deputy kick the suspect in his (suspect's) middle torso and upper
leg in an attempt to get the suspect to comply.
1.9 or me minerals to Dat over conference acres of

INVOLVED EMPLOYEES STATEMENT:  said he fired the "Taser" a second time, which caused the suspect to go down a second time, said he fired the "Taser" a third and several deputies then arrived to contain the suspect said that Deputy Bones handcuffed the suspect without further incident.  that he did not strike the suspect with the butt of his rifle nor did he see anyone else strike the suspect with the butt of a rifle.
WITNESS STATEMENTS:  Deputy Bruce Chase said he and Demello were assigned to containment 2 (northwest side of apartment building). Chase said while they contained that position several rounds were fired at them by the suspect. Chase said some of the suspect's rounds struck the area within a foot or two of their location.
Deputy Thomas Harris said he and Deputy Swanson were directed to insert 3 gas projectiles into the suspect's apartment. Harris said he and Swanson took a position in the apartment building directly east of the suspect's apartment. Harris said when Swanson fired the first gas projectile into the suspect's apartment, the suspect fired two or three shots at them. Harris added that Swanson fired two additional gas projectiles into the suspect's apartment and the suspect stopped firing at them.

Deputy Zack Conner said he saw the suspect fire several rounds at the containment deputies located toward the street. Conner said he was unable to return fire on the suspect because the suspect was standing deep in his apartment and he could not acquire a target.

Deputy John Bones said he was inside the suspect's apartment when the suspect jumped out of the window. He said he exited the apartment and went to the street where he saw the suspect. Bones said the suspect was covered in blood and that the dog was away from the suspect. Bones said he knelt down next the suspect and took hold of the suspect's left hand. Bones said he placed a "flex cuff" on the suspect's wrist and he directed the suspect to place his right hand behind his back. Bones said the suspect complied and he handcuffed the suspect without incident. Bones added that he did not strike the suspect with the butt of his rifle nor did he see anyone else strike the suspect with the butt of a rifle.



Witness	(civilian) said at approximately 1330 hours, he heard	I two or three gunshots.
said he heard P.A	A. announcements asking the suspect to surrender.	added that he was
evacuated from his hon	ne at approximately 1530 hours.	

#### SUSPECT STATEMENTS:

Suspect Rodriguez said he received dog bites to his right and left hands. Rodriguez said he was also bitten by the police dog on his right shoulder. Rodriguez said he was "Tased" by a deputy at least six times in his anus. Rodriguez said he was also kicked by deputies numerous times on his head and upper torso. Rodriguez said while he was on the ground, a Caucasian deputy struck him on the chin, with the butt of a rifle, causing him to lose consciousness. Rodriguez said he injured his feet when he jumped from the window. Rodriguez said he did not surrender because he believed the deputies were there to kill him. Rodriguez added that he did not fight the police dog but was merely trying to keep the dog from biting him.

INJURIES: Suspect Roy Rodriguez was treated at Citrus Valley Hospital for multiple dog bites, a fractured right heel and bruising to his head, back and upper torso. The treating physician would not comment on the suspect's injuries citing confidentiality laws. To review a copy of Rodriguez' medical treatment and photographs of Rodriguez' injuries refer to, Exhibit C.

#### PHYSICAL EVIDENCE:

Numerous shell casings located inside apartments and To review a detailed list of evidence refer to pages 29 through 39 of Detective Zumer's criminal investigative package, Exhibit D.

IAB Note: Detective Zumer's investigative file was numbered from 1 through 42 by Sergeant Reyes.

#### INVESTIGATOR OBSERVATIONS:

I saw 9 mm casings in Rodriguez' apartment. I saw extensive damage to apartments and and caused by the breaching of the doors and insertion of gas.

#### WEAPONS USED BY DEPUTY PERSONNEL:

Colt, M-4, 223 caliber rifle.

Colt, AR-15, 223 caliber rifle.

#### WEAPONS USED BY SUSPECTS:

9 mm, Browning Hi-power handgun. 25 caliber, FIE, Titan handgun.

#### PROPERTY DAMAGE:

Extensive property damage to apartments and of Dennis Avenue, West Covina. Minor damage to apartment to see photographs of damage refer to, Exhibit B.

### CRIMINAL INVESTIGATOR:

Detective Dan Zumer, Industry Station O.S.S., said the District Attorney's Office, filed 16 felony counts against Suspect Rodriguez. See attached felony complaint in miscellaneous documents section.

### LIGHTING OR WEATHER CONDITIONS:

Incident began during daylight hours and continued into the hours of darkness. Location was illuminated by street lights during hours of darkness.

# Los A\_eles County Sheriff's Depr\_ment Officer Involved Shooting

Page \_1\_of \_7\_

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Report Date: Mar. 24, 2	Bureau/Station/Facility:	FO	RIII/SEB		Admin. Inv	est?	Hit?
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URN: 404-04	528-1499-055	Date:	Mar. 16	2004	П	me.	1500
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Location Type (circle one or more):  Backyard Beach Business Freeway Industrial Park Parking Lot Residence School Street Other	Lighting (circle only one): Darkness Daylight Other Street Lights  Weather (circle only one): Cleap Cloudy Fog Rain  Distance: apx. 40-50ft	Incident Type (circil Accidental Armed Person Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicla Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service	ı	ore):	Call Obse One Other Sear Two	ch Warrant Person Unit ctivity (clrcle tive e Transport	
Total # of Shots Fired by Deputy 28	Total # of Shots Fired by Suspect est 50+	Other			Aero U	Init?	Canine Unit?
As Year of the second		Employee Witne	2505				
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Last Name			First f	Name			M.L
Street Address	City		Zip C	ode	And	Ph	Homo Ph
Last Name			First I	Name			M.K
Street Address	City		Zip C	nde	Work	Ph	Home Ph
Last Name			First I	Mame			MI
Street Address	City	- M-97.70+	Zip C	ode	Work	Ph	Home Ph
	1	Supervisor		A THE REAL PROPERTY.			
Employee # Last Name	First No	Rod	M.I R	On Duty			ness to shooting
Employee # Last Name	First Na		M.F	Present du (circle one or n On Duty Present du	nore)	Wit	ness to shooting
Employee #   Last Na	me	Watch Sergea		irst Name		1,22,214	M.!
$g_{2}(\hat{q}^{*}) = 34g_{2} + 3$		Watch Comma	nder 🦠			1.0	era e e e e e e e
Employee # Last Na	<sub>me</sub> Hansen			irst Name	Phil		M.s.

	PSTD Use Only	a	9
SH#	2113634		

## Officer Involved Shooting

404-04528-1499-055 IRN: Page 2 of 7

				Rollout Information				the second second
Аліval Date <b>Mar. 1</b>	7, 2004	Arrival Time	0330	Date Submitted		Date of Recommendation		
Employee #	Last Name	Reyes			First Nam Her	nry		M.I J
Employee #	Last Name L	andreth.			First Nam <b>4_2</b> 0	гу		M.I L
Employee #	Last Name L	.66			First NameStar	су		M.I L
		4.0	Shoot	ting / Force Inform	nation			A STATE OF
Method					Туре	of Injury	Body	Part Injured
(AW) Anwen (BC) Baton: (Control) (Bi) Baton: (Impact) (BF) Bodily Fluids (CN) Can ne (CR) Carotid Restrair (CH) Choke Hold (CT) Control Holds. (ITD) Control Holds. (ITD) Control Holds. (ITD) Control Holds. (ITD) Chemical Agent (CE) Chemical Agent (EX) Explosives (FH) Firearm (Handg (FR) Firearm (Shotga (FO) Firearm (Shotga (FO) Firearm (Other) (FB) Flashight (OE) Other Weapon.	Control Techniq earn Takedow 'akedown' s (OC Spray) s (Tear Gas) un)		Other Weaps Personal We Personal We Personal We Personal We Personal We Resistance Restraint De Restraint De Restraint De	on: Blunt Object on: Other eapon Feet/Leg: (Kick) eapon Feet/Leg: (Sweep) eapon (Hand/Arm) eapon (Push) eapon (Other) exice (Capture Net) exice (Handcuffs) exice Hobble (Legs Only) exice: REACT Belt  Br	(AB) (BR) (BU) (CP) (CO) (DH) (DI) (DB) (FR) (GS) (HB) (LC) (ND) (OD) (PA) (PW) (SD) (ST)	Abrasion Bruise Bum Complaint of Pain Concussion Death Distocation Dog Bite Fractures Gunshot Human Bite Lacerations Nerve Damage Organ Damage Parelysis Puncture Wound Soft Tissue Damage Sprain/Twists Unconscious	(A)	Abdomen Ankle Arm Back Buttocks Chest E'bow Faca Feet Fingers Genitals Groin Hand Head Hip Internal Knees Leg Neck Shoulder

RGI

Rossi

Smith & Wesson

Sturm Ruger

Sterling

Taurus

Weatherby

Winchester

Other Brand

US Government

Handmade (Inmate)

Homemade (Non-Inmate)

(NN)

(9)

(10)

(12)

(20) (21)

(22)

(23)

Callber

NONE

.243 caliber

25 caliber

308 caliber

.357 caliber

.38 caliber

.40 caliber

30-60 caliber

(24)

(25)

(30)

(35)

(38)

(38)

(40)

410 guage

44 caliber

45 caliber

Other caliber

50 mm

Slug

(44)

(45)

(50)

(SL)

(WW)

9 mm

10 mm

12 guage

20 guage

.22 caliber

223 caliber

22-250

(RI)

(RO) (SW)

(SR)

(ST)

(TA)

(WE)

(WN)

(US)

(YY)

(200)

Iver Johnson

Jennings

Lorcin

Luger

Madin

Mossberg

Norinco

Raven

RĠ

Remington

NCI aka SK\$

North American

#### FORCE APPLIED (one code per block)

(JE)

(LO)

(LU)

(MO)

(NC)

(NA)

(NO)

(RA)

(RM)

(RG)

(AK)

(BN)

(BR)

(BW)

(CH)

(CO) (DA) (GL) (HA) (HI)

(HK)

(IT)

AK-47

Benelli

Beretta

Colt

Glock

H&K

Ithica

Browning

Charter Arms

H<sub>k</sub> Standard

Davis Industries

Harrington & Richardson

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	BW	9			NN	
S#1	E#2	FH	BW	9			NN	
S#1	E#3	FH	BW	9			NN	
S#1	E#4	FH	BW	9			NN	
E#1	S#1	FR	CO	23	Y	Υ	NN	
E#2	S#1	FR	СО	23	Y	Υ	NN	
E#3	S#1	FR	CO	23	Y	Y	NN	
E#4	S#1	FR	CO	23	Y	Y	NN	
		_			-		-	

## Officer Involved Shooting Involved Employee Information

URN: 404-04528-1499-055

Page <u>3</u> of <u>7</u>

				Involved Employee					
- 4	* **	Last Name			First N			1M.1	
E_1		Plent			Trace de Au	Gerald signment (Unit #,	Madula etali		M
Ì	Sex Race. W	Rank DSB-1		Unit Assignment SEB	WORK AS		Tan Team		
	ShiftTime (circle only one):	ShiftType (circle only one):			Substan	ce Used:			
	EM PM (Day)	Regular Overtime Off Duty		Intoxication/Drug Usage?	1				
	Hospital Admission? Hospital Name:			Coroner Case?	Coroner	Case #		Interviewe	d? 🔀
	Hrs of sleep prior to shooting.	Duty Time (hrs):	Clothing	(circle only one):	Other Fa	actors.			
	Age Height:	Weight 040	Plain Ck	othes no Vest Raid Jacket w/ Vest Uniform no Vest					
- 1		02 210		ket no Vest Uniform w/ Vest	<u></u>	Laser Training D	\nte		
	Range Qualification Date:		PPC Qu	atification Date		Laser Training L	7810.		
	Certified with Weapon Used?	Patrol Certification	on?	Certification Unit	Prior Sh	ootings?	Number of Prior S	Shootings	
	Field Training Officer Emp #	Last Name			First Na	me Table		M.I	
	Field Training Officer Emp #	Last Name			First Na	ime		MIL	
E 2	Employee #	Last Name Nathan			First N	lame Dan		M.I	
	Sex. Race W	Rank DSB-1		Unil Assignment SE8	Work As	signment (Unit #	, Module, etc.). Tan Team		
	ShiftTime (circle only one): EM PM (Day)	ShiffType (circle only one): (Regular) Overtime Off Duty		Intoxication/Drug Usage?	Substan	ice Used			
	Hospital Admission?	Hospital Name.		Coroner Case?	Corone	Case #		Interviewe	d? 🔀
	Hrs of sleep prior to shooting unk Age Height.	Duty Time (hrs). Weight.	Plain Cl	(circle only one).  othes no Vest Paid Jackel w Vest Uniform no Vest Uniform w Vest Uniform w Vest	Other Fa	actors.			
	Range Qualification Date:		PPC Qu	alification Date:		Laser Train ng [	Date.		
	Certified with Weapon Used	Patrol Certification	on?	Certification Unit.	Prior Sh	nootings?	Number of Prior	Shootings	1
	Field Training Officer Emp #	Last Name			First Ne	time		МI	
	Field Training Officer Emp #	_ast Name			First Na	зте		M.I.	
	F	Last Name			First N	lama		M I.	
E_3_	Employee #	Desmartea	au .		V II OK 1	Mark		141 4	
	Sex Race W	Rank DSB-1		Unit Assignment: SEB	Work As	ssignment (Unit #	, Module, etc.): Red Team		
	ShiftTime (circle only one): EM PM (Day)	ShiftType (circle only one): Regular) Overtime Off-Duty	,	Infoxication/Drug Usage?	Substar	nce Used			
	Hospital Admission?	Hospital Name		Coroner Case?	Corone	r Case #		Interviews	ed? 🔀
	Hrs of sleep prior to shooting	Duty Time (hrs).		(circle only one): othes no Vest Raid Jacket w/ Vest	Other F	actors.	-	<del>1.</del>	
	Age Height.	Weight 165	Plain Cl	othes w/ Vest Uniform no Vest Uniform w/ Vest Uniform w/ Vest					
	Range Qua, fication Date		PPC Qu	alification Date.		Laser Training I	Date		
	Certified with Weapon Used	Patrol Certification	on?	Certification Unit:	Prior SI	hootings?	Number of Prior	Shootings.	
	Field Training Officer Emp #	Last Name			First No	amė		M.J	
	Field Training Officer Emp #	Last Name			First N	ame	_	M.1.	

## Officer Involved Shooting Involved Employee Information

URN: 404-04528-1499-055

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	and the second of			Involved Employee		and the same
4	Employee #	Last Name Corbet	t		First Name Brende	M.i.
	Sex: Race: W	Rank DSI		Unit Assignment: SEB	Work Assignment (Unit	#, Module, etc.): Tan
	ShiftTime (circle only one): ShiftType (circle only one):  EM PM (Day) Regular Overtime Off Duty			Intoxication/Drug Usage?	Substance Used:	
	Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
	Hrs of sleep prior to shooting: Duty Time (hrs):  Unk  Age: Height: Weight: 195		Plain C Plain C Raid Ja	(circle only one): Iothes no Vest Raid Jacket w/ Vest Iothes w/ Vest Uniform no Vest cket no Vest Uniform w/ Vest	Other Factors:	
	Range Qualification Date:		PPC Q	valification Date:	Laser Training	Date:
	Certified with Weapon Used?	Patrol Certi	fication?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
	Field Training Officer Emp #	Last Name			First Name	M.I.
	Field Training Officer Emp #	Last Name			First Name	M.I.
	Employee #	Last Name			First Name	M.L.
	Sex: Race:	Rank		Unit Assignment:	Work Assignment (Unit	#, Module, etc.):
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only Regular Overtime O		Intoxication/Drug Usage?	Substance Used:	
	Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
	Hrs of sleep prior to shooting:  Age: Height:	Duty Time (hrs): Weight:	Plain C	(circle only one): (othes no Vest Raid Jacket w Vest lothes w/ Vest Uniform no Vest icket no Vest Uniform w/ Vest	Other Factors:	
	Range Qualification Date:	***	PPC Q	ualification Date:	Laser Training	Date:
	Certified with Weapon Used?	Patrol Certi	fication?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
	Field Training Officer Emp#	Last Name			First Name	M.I.
	Field Training Officer Emp #	Last Name			First Name	M.t.
	Employee #	Lest Name			First Name	M.I.
	Sex: Race:	Rank		Unit Assignment:	Work Assignment (Unit	#, Module, etc.):
	ShiftTime (circle only one): EM PM Day	ShiftType (circle only Regular Overtime Of		Intoxication/Drug Usage?	Substance Used:	
	Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
	Hrs of sleep prior to shooting:	Duty Time (hrs):		(circle only one): lothes no Vest Raid Jacket w/ Vest	Other Factors:	
	Age: Height:	Weight:	Plain C	lothes w/ Vest Uniform no Vest cket no Vest Uniform w/ Vest		
	Range Qualification Date:		PPC Q	ualification Date:	Laser Training	Date:
	Certified with Weapon Used?	Patrol Certi	fication?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
	Field Training Officer Emp #	Last Name			First Name	M.I.
	Field Training Officer Emp #	Last Name			First Name	M,I,

## Officer Involved Shooting Suspect Information

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	er, car	S	uspect l	nformation		
S_1	Last Name Rodriguez			First Name Roy		M.I.
	AKA Last Name			First Name		M.I.
	Sex: Race:	Street Address:	_	City		State & Zip Code:
	Work Phone:	Home Phone:	Social Sec	curity #	Driver's License #	
	Age: D.O.B. 12-08-69	Height: 507 Weight: 160	FBI#		CII#	
	Booking # 8052632	Primary Charge: 664/18	7PC	Secondary Charge:	1203.2 PC	
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:	
	Armed?	Apprehended?		Mental lilness?	Criminal History?	
	Vehicle Make			Model:	Year:	
8_	Last Name			First Name		M.I.
	AKA Last Name			First Name		M.I.
	Sex: Race:	Street Address:		City		State & Zip Code:
	Work Phone:	Home Phone:	Social Sec	ourity #:	Driver's License #:	
	Age: D.O.B.	Height: Weight:	FBI#		Cil #	
	Booking #	Primary Charge:		Secondary Charge:		
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:	
	Armed?	Apprehended?		Criminal History?		
	Vehicle Make			Model:	Year:	
s_	Last Name			First Name		M.I.
	AKA Last Name			First Name		M.J.
	Sex: Race:	Street Address:	· · · · ·	City		State & Zip Code:
	Work Phone:	Home Phone:	Social Sec	curity #:	Driver's License #:	
	Age: D.Q.B.	Height: Weight:	FBI#		CII#	
	Booking #	Primary Charge:		Secondary Charge:		
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:	
	Armed?	Apprehended?		Mental lilness?	Criminal History?	
	Vehicle Make			Model:	Year:	
S	Last Name			First Name		M.I.
-	AKA Last Name			First Name		M.I.
	Sex: Race:	Street Address:		City		State & Zip Code:
	Work Phone:	Home Phone:	Social Sec	curity #.	Driver's License #:	
				CII#		
	Age: D.O.B.	Height: Weight:	FBI#		OII #	
	Age: D.O.B. Booking #	Height: Weight: Primary Charge:	FBI#	Secondary Charge:	OII #	
			FB1#	Secondary Charge:	Substance Used:	
	Booking #	Primary Charge:	FBI#	T		

## SUPPLEMEN\_AL NON-EMPLOYET\_WITNESSES Los Angeles County Sheriff's Department

6 of 7 Page Non-Employee Witnesses M.L First Name Last Name Work Ph Home Ph Zip Code Street Address M.I. First Name Last Name Zip Code Work Ph Home Ph Street Address First Name M.I. Last Name Home Ph Work Ph Zip Code Street Address M.I. First Name Last Name Home Ph Zip Code Work Ph Street Address M.I. First Name Last Name Home Ph Zip Code Work Ph Street Address M.L. First Name Last Name Home Ph Zip Code Work Ph Street Address First Name M.1. Last Name Work Ph Home Ph Zip Code Street Address M.I. First Name Last Name Home Ph Zip Code Work Ph Street Address M.I. First Name Last Name Work Ph Home Ph Zip Code Street Address M.I. First Name Last Name Home Ph Work Ph Zip Code Street Address First Name M.I. Last Name Zip Code Work Ph Home Ph Street Address M.I. First Name Last Name Home Ph Zip Code Work Ph Street Address MI First Name Last Name Zip Code Work Ph Home Ph Street Address First Name M.3. Last Name Zip Code Work Ph Home Ph Street Address M.L. Last Name First Name Home Ph Zip Code Work Ph Street Address M.I. First Name Last Name Home Ph Zip Code Work Ph Street Address

# SUPPLEM ITAL EMPLOYEE V TNESSES Los Angeles County Sheriff's Department

Page \_\_7\_ of \_\_7\_

mployee Witnesses	First Name	eng i na managania	M.I.
ast Name Harris	First Name Tom		
Street Address 5019 East 3rd Street, Los Angeles	Zip Code 90022	Work Ph 323-264-7084	Home Ph
ast Name Hansen	First Name Phil		M.I.
Street Address 5019 East 3rd Street, Los Angeles	Zip Code 90022	Work Ph 323-264-7084	Home Ph
	First Name	/ was 1000 000 1000 1000 1000 1000 1000 100	M.I.
est Name Street Address	Zip Code	Work Ph	Home Ph
	First Name		M.I.
Last Name Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	A CONTRACTOR OF THE STATE OF TH	M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph